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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 3000/LA4/80. *Dated, Trivandrum, 28th March 1980.*

The Kerala High Court (Amendment) Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/1254/MC.

Sixth Kerala Legislative Assembly
BILL No. 10

THE KERALA HIGH COURT (AMENDMENT) BILL, 1980

A

BILL

further to amend the Kerala High Court Act, 1958.

Preamble.—WHEREAS it is expedient further to amend the Kerala High Court Act, 1958, for the purpose hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala High Court (Amendment) Act, 1980.

(2) It shall come into force at once.

2. *Amendment of section* 5.—In section 5 of the Kerala High Court Act, 1958 (5 of 1959),—

(a) in clause (ii), the word "or" at the end shall be omitted;

(b) clause (iii) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

According to clause (iii) of section 5 of the Kerala High Court Act, 1958, an appeal shall lie to a Bench of two Judges from a Judgment of a single Judge in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a subordinate court, if the Judge who passed such judgment certifies that the case is a fit one for appeal. Section 100A of the Code of Civil Procedure, 1908, inserted in the Code by the Code of Civil Procedure (Amendment) Act, 1976 (Central Act 104 of 1976), provides that notwithstanding anything contained in any Letters Patent for any High Court or in any other instrument having the force of law or in any other law for the time being in force, where any appeal from an appellate decree or order is heard and decided by a single judge of a High Court, no further appeal shall lie from the judgment, decision or order of such single judge in such appeal or from any decree passed in such appeal. It

is considered necessary to amend section 5 of the Kerala High Court Act to make it in conformity with the provisions of section 100A of the Code of Civil Procedure, 1908.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

T. K. RAMAKRISHNAN.